

[Planning Code - Conditional Use Minimum Densities for Residential Projects in RM, RC, and RTO Districts]

Ordinance amending the Planning Code to require ~~conditional use authorization for residential housing developments that do not maximize~~ minimum residential density, ~~as defined,~~ in Residential-Mixed (RM), Residential Commercial (RC), and Residential Transit Oriented (RTO) Districts except for Residential-Transit Oriented – Mixed Mission (RTO-M) Districts; affirming the Planning Department’s determination under the California Environmental Quality Act; ~~and~~ making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in *strikethrough italics Times New Roman font*.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Environmental and Planning Code Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 230596 and is incorporated herein by reference. The Board affirms this determination.

1 (b) On July 20, 2023, the Planning Commission, in Resolution No. 21364, adopted
2 findings that the actions contemplated in this ordinance are consistent, on balance, with the
3 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board
4 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
5 Board of Supervisors in File No. 230596, and is incorporated herein by reference.

6 (c) Pursuant to Planning Code Section 302, the Board of Supervisors find that this
7 ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in
8 Planning Commission Resolution No. 21364, and incorporates such reasons by this reference
9 thereto. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File
10 No. 230596.

11
12 Section 2. General Findings.

13 (a) In recent decades, the rate of housing production in San Francisco has failed to
14 keep pace with the growing demand for housing in the City and in the broader Bay Area. As a
15 result, housing is unaffordable to many City residents, and there have been waves of evictions
16 and displacement, largely to the detriment of long-term residents and lower-income
17 communities.

18 (b) Policymakers at the City and state level have sought to increase housing density
19 both in San Francisco and across the state. For example, San Francisco's Citywide
20 Accessory Dwelling Unit Program, which applies to existing structures and new construction,
21 allows for the increased densification of residential and mixed-use neighborhoods and zoning
22 districts. Section 207(c)(8) of the Planning Code, enacted in 2022, increased density to allow
23 four units, or six units on corner lots, in Residential-Housing (RH) zones in certain
24 circumstances. And California Government Code Sections 65852.21 and 664117 require
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1 ministerial approval of two units in single-family zoning districts and lot splits in single-family
2 districts, respectively.

3 (c) While significant emphasis has been placed on increasing the capacity for
4 increased housing density in residential and mixed-use zoning districts, and to remove various
5 substantive and procedural restrictions on the construction of affordable housing in particular,
6 comparatively little emphasis has been placed on setting density minimums and prohibiting
7 the creating disincentives for construction of low-density projects in zoning districts that allow
8 for greater density.

9 (d) The construction of large residences and low-density buildings in areas that are
10 zoned for greater density and that tend to be characterized by higher density, more affordable,
11 and rent-stabilized housing, is indicative of a market preference for demonstrably unaffordable
12 housing.

13 (e) The construction of large residences and low-density buildings in zoning districts
14 that permit greater capacity for housing density, such as Residential-Commercial (RC),
15 Residential - Mixed (RM), and Residential - Transit Oriented (RTO) districts, is at the expense
16 of opportunities for more units, and more affordable housing, and frequently results in the loss
17 or conversion of housing protected by rent stabilization provisions of the San Francisco Rent
18 Ordinance.

19 (f) Objective 4B of San Francisco's 2022 Housing Element is to "expand small and
20 mid-rise multi-family housing production to serve our workforce, prioritizing middle-income
21 households."

22 (g) The ~~2020~~ October 2024 Housing Balance Report, produced by the Planning
23 Department pursuant to Section 103 of the Planning Code, indicates that for the period from
24 ~~2010 Quarter 1 to 2019 Quarter 4~~ 2013 Quarter 1 to 2024 Quarter 2, ~~7,081~~ 10,153 units of net
25

1 new affordable housing have been built in San Francisco while ~~3,954~~ 2,722 units have been
2 removed from protected status, a ratio of just ~~4.79~~ 3.73 units built for every 1 unit lost.

3 (h) The loss of affordable and rent controlled housing is driven in part by the
4 demolition, merger, and conversion of such housing, and its replacement with market rate
5 housing and large single-family homes in zoning districts that permit increased capacity for
6 housing density.

7 (i) To address the loss of affordable and rent controlled housing and the construction
8 of large single-family homes in zoning districts that allow greater density, in January 2021, the
9 Board of Supervisors adopted interim controls to require projects that did not maximize the
10 number of units on a lot to seek conditional use authorization. The Planning Department
11 issued a report studying the interim controls and recommended permanent legislation to
12 address the issues posed by large residential developments that do not maximize the
13 allowable density. The Board has reviewed and considered the Planning Department report,
14 and proposes the controls as set forth in this ordinance.

15 (j) This ordinance will facilitate and encourage the development of multi-family housing
16 in zoning RM, RC, and RTO districts. By ~~incentivizing~~ requiring the creation of ~~more~~ the
17 maximum number of units on a parcel, the cost per unit of housing will be reduced. Similarly,
18 the ordinance will preserve and facilitate the construction of housing for moderate- and lower-
19 income households by requiring the preservation of existing units unless the minimum number
20 of units on a subject lot will be constructed. ~~incentivizing the creation of additional units on a~~
21 ~~subject lot.~~ Units in multi-family housing are generally lower in price per square foot than units
22 in a comparably sized single-family home. Therefore, by creating more multi-family units,
23 rather than large single-family homes in areas where multi-family ~~units~~ buildings are allowed,
24 the price per square foot of each unit will be lower and more affordable to lower-and
25 moderate-income households.

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|------|------|--|--|---|---|
| | | of lot area, <u>whichever is</u> <u>greater.</u> <u>Total</u> <u>maximum</u> <u>permitted</u> <u>density is</u> <u>one unit per</u> <u>800 square</u> <u>feet of lot</u> <u>area. (11)</u> | of lot area, <u>whichever is</u> <u>greater.</u> <u>Total</u> <u>maximum</u> <u>permitted</u> <u>density is</u> <u>one unit per</u> <u>600 square</u> <u>feet of lot</u> <u>area. (11)</u> | of lot area, <u>whichever is</u> <u>greater.</u> <u>Total</u> <u>maximum</u> <u>permitted</u> <u>density is</u> <u>one unit per</u> <u>400 square</u> <u>feet of lot</u> <u>area (11)</u> | <u>whichever is</u> <u>greater. Total</u> <u>maximum</u> <u>permitted</u> <u>density is one</u> <u>unit per 200</u> <u>square feet of</u> <u>lot area. (8), (11)</u> |
| **** | **** | **** | **** | **** | **** |

* * * *

(11) C per Section 303(cc) if the residential building does not maximize principally permitted density, while meeting minimum unit size requirements set forth in Section 415.6(f)(2), except as set forth in section 303(cc)(1). NP if less than minimum density as set forth in the table. Expansions of existing single-family residential buildings may not exceed more than 25% of Gross Floor Area over 10 years, or result in a building over 3,000 square feet. In new construction, no unit may be smaller than one-third the Gross Floor Area of the largest unit in the building.

SEC. 209.3. RC (RESIDENTIAL-COMMERCIAL) DISTRICTS.

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Table 209.3

ZONING CONTROL TABLE FOR RESIDENTIAL-COMMERCIAL DISTRICTS

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| Zoning Category | § References | RC-3 | RC-4 |
|---|--------------|---|--|
| * * * * | | | |
| RESIDENTIAL STANDARDS AND USES | | | |
| Development Standards | | | |
| Residential Density, Dwelling Units (7), (13) | §207 | <u>P if 3 units per lot or up to at least one unit per 400-533 square feet of lot area, whichever is greater. Total maximum permitted density is one unit per 400 square feet of lot area. (13)</u> | <u>P if 3 units per lot or up to at least one unit per 200 267 square feet of lot area, whichever is greater. Total maximum permitted density is one unit per 200 square feet of lot area. No density limits in the Van Ness SUD (§243). (8), (13)</u> |
| * * * * | | | |

* * * *

(13) C per Section 303(cc) if the residential building does not maximize principally permitted residential density, while meeting minimum unit size requirements set forth in Section 415.6(f)(2), except as set forth in section 303(cc)(1). NP if less than minimum density as set forth in the table. Expansions of existing single-family residential buildings may not exceed more than 25% of Gross Floor Area over 10 years, or result in a building over 3,000 square feet. In new construction, no unit may be smaller than one-third the Gross Floor Area of the largest unit in the building.

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2 **SEC. 209.4. RTO (RESIDENTIAL TRANSIT ORIENTED) DISTRICTS.**

3 * * * *

4
5 **Table 209.4**

6 **ZONING CONTROL TABLE FOR RTO DISTRICTS**

| Zoning Category | § References | RTO | RTO-M |
|---|--------------|--|--|
| * * * * | | | |
| RESIDENTIAL STANDARDS AND USES | | | |
| * * * * | | | |
| Residential Uses | | | |
| Residential Density, Dwelling Units (7) | §207 | P if at least up to one unit per 600 <u>800</u> square feet of lot area (8); <u>Maximum density as of right is one unit per 600 square feet of lot area.</u> C above <u>below</u> above , per criteria of §207(a). <u>(11)</u> | No density limit. Density is regulated by the permitted height and bulk, and required setbacks, exposure, and open space of each parcel, along with Residential Design Guidelines. |
| * * * * | | | |

1 ~~(11) C per Section 303(cc) if the residential building does not maximize principally~~
2 ~~permitted residential density, while meeting minimum unit size requirements set forth in~~
3 ~~Section 415.6(f)(2), except as set forth in section 303(cc)(1). NP if less than minimum density~~
4 ~~as set forth in the table. Expansions of existing single-family residential buildings may not~~
5 ~~exceed more than 25% of Gross Floor Area over 10 years, or result in a building over 3,000~~
6 ~~square feet. In new construction, no unit may be smaller than one-third the Gross Floor Area~~
7 ~~of the largest unit in the building.~~

8
9 **SECTION 303. CONDITIONAL USES.**

10 (a) General. The Planning Commission shall hear and make determinations regarding
11 applications for the authorization of Conditional Uses in the specific situations in which such
12 authorization is provided for elsewhere in this Code. The procedures for Conditional Uses
13 shall be as specified in this Section 303 and in Sections 306 through 306.6, except that
14 Planned Unit Developments shall in addition be subject to Section 304, Hospitals and Post-
15 Secondary Educational Institutions shall in addition be subject to the Institutional Master Plan
16 requirements of Section 304.5.

17 * * * *

18
19 ~~(cc) Maximizing Density in RM, RC, and RTO Districts.~~

20 ~~(1) In order to promote, protect, and maintain the maximum number of~~
21 ~~residential units in RM, RC, and RTO Districts, except for RTO M Districts, new construction~~
22 ~~or alterations of existing buildings that do not meet the maximum principally permitted~~
23 ~~residential density as set forth in Tables 209.2, 209.3, and 209.4, respectively, while meeting~~
24 ~~the minimum unit size requirements set forth in Planning Code Section 415.6(f)(2), shall be~~
25 ~~permitted only as a Conditional Use. The maximum principally permitted residential density~~

1 shall not include any additional density permitted under state law or Planning Code sections
2 206 et seq. Notwithstanding the preceding sentence, a project meeting one of the following
3 exceptions to this Section 303(cc) shall not require a Conditional Use:

4 (A) ~~The project includes new construction or alteration of an existing
5 building and meets all of the following conditions:~~

6 (i) ~~existing lot conditions or form-based restrictions on
7 development (e.g., height, bulk, rear yard requirements) are such that a proposed project
8 cannot maximize density without seeking a variance or subdividing existing units on the lot
9 because it is physically infeasible to do so; and~~

10 (ii) ~~the proposed project will create more units on the subject lot;~~
11 and

12 (iii) ~~the project does not include any single unit greater than 2,000
13 square feet in size; and~~

14 (iv) ~~the project is not subject to Conditional Use Authorization
15 under any other provision of the Planning Code.~~

16 (B) ~~The project is an expansion of an existing residential building that
17 would increase the total square footage of the residential building by no more than 25% of the
18 square footage of the existing residential building, and meets all of the following requirements:~~

19 (i) ~~the expansion does not increase the size of any unit that is
20 already larger than 2,000 square feet; and~~

21 (ii) ~~the expansion does not create any new unit that is greater than
22 2,000 square feet; and~~

23 (iii) ~~the expansion would not cause an existing unit that is less than
24 2,000 square feet to be larger than 2,000 square feet.~~

1 (C) ~~For a project consisting of an expansion to a building with two or~~
2 ~~more units, no resulting individual unit would be greater than 3,000 square feet, and no~~
3 ~~resulting individual unit would be less than 50% of the size of the largest unit in the building.~~

4 (D) ~~For any project consisting of an expansion to an existing building of~~
5 ~~600 square feet or less.~~

6 (E) ~~For any project where maximizing density would be inconsistent with~~
7 ~~the preservation of a historic resource or would preclude the issuance of a Certificate of~~
8 ~~Appropriateness under Article 10 of this Code.~~

9 (2) ~~In addition to the findings stated in Section 303(c), the Commission shall~~
10 ~~make the following findings:~~

11 (A) ~~The project proposes the maximum physically feasible density based~~
12 ~~on existing lot conditions or form-based restrictions on development (e.g. height, bulk, rear~~
13 ~~yard requirements); and~~

14 (B) ~~The project proposes additional density equal to that of adjacent~~
15 ~~buildings; and~~

16 (C) ~~Maximizing density is financially or physically infeasible.~~

17
18 Section 4. Effective Date. This ordinance shall become effective 30 days after
19 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
20 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
21 of Supervisors overrides the Mayor's veto of the ordinance.

22
23 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
24 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
25 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

1 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
2 additions, and Board amendment deletions in accordance with the "Note" that appears under
3 the official title of the ordinance.

4

5 APPROVED AS TO FORM:
6 DAVID CHIU, City Attorney

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7 By: /s/ Audrey Pearson
8 AUDREY PEARSON
9 Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 230596

Date Passed: December 17, 2024

Ordinance amending the Planning Code to require minimum residential density, in Residential-Mixed (RM), Residential Commercial (RC), and Residential Transit Oriented (RTO) Districts except for Residential-Transit Oriented - Mission (RTO-M) Districts; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

September 11, 2023 Land Use and Transportation Committee - CONTINUED TO CALL OF THE CHAIR

December 02, 2024 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

December 02, 2024 Land Use and Transportation Committee - CONTINUED AS AMENDED

December 09, 2024 Land Use and Transportation Committee - RECOMMENDED AS COMMITTEE REPORT

December 10, 2024 Board of Supervisors - PASSED, ON FIRST READING

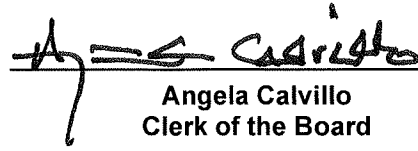
Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai and Walton


December 17, 2024 Board of Supervisors - FINALLY PASSED

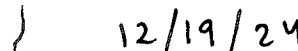
Ayes: 9 - Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai and Walton
Excused: 1 - Chan

File No. 230596

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 12/17/2024 by the Board of Supervisors of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board


London N. Breed
Mayor


Date Approved